

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EATON CORPORATION,

Plaintiff,

Case No. 03-74844

vs.

HON. GEORGE CARAM STEEH

ZF MERITOR LLC, ARVINMERITOR,  
INC. and ZF FRIEDRICHSHAFEN AG,

Defendants.

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AMENDED ORDER REGARDING DOC. # 317

The Court entered an Order Regarding Motions in Limine on August 20, 2008, which in part stated that Defendant's motion to exclude infringement of the '458 patent is granted. The Court's Order must be amended to reflect that Defendant's motion, which is Doc. # 317, was actually denied by the Court. The Court explained that the jury needs to be told that they will only be addressing validity of the '458 patent, and that the issue of infringement is not before them. The Court intends to instruct the jury, in neutral terms, that the patent has been found infringed, but that defendants assert that the patent was invalid, and that there is nothing wrong with infringing an invalid patent.

So ordered.

Dated: August 25, 2008

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
August 25, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk